IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5804 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D.SINHA AND
A.B. CHAUDHARI, JJ.

DATED : JANUARY 24, 2007

Heard Shri Parsodkar, learned Counsel for the petitioner, Shri Dhatrak, learned Counsel for the respondent no.1, and Shri Yangal, learned Assistant Government Pleader for the respondent no.2.

Shri Parsodkar, learned Counsel for the petitioner, states that petitioner is senior-most Teacher in the School run by the Municipal Council and as per rules applicable in this regard, is eligible for being considered to be appointed on the promotional post of Head Mistress. It is submitted that post of Head Mistress fell vacant on 31.3.2003 and considering eligibility of the petitioner, she

was appointed as In-charge Head Mistress and is performing duties thereafter regularly till this date as Head Mistress. It is submitted that this Court has considered this aspect and passed interim order dated 25.2.2005 wherein it is observed that petitioner has made out a strong case for issuing directions to respondent no.1 to appoint petitioner as Head Mistress and continue her as such pending hearing and final disposal of the petition. It is submitted that pursuant to the said order, petitioner has been appointed and continued in the said post till this date.

Shri Dhatrak, learned Counsel for the respondent no.1 Municipal Council, does not dispute the factual aspect of the matter and states that petitioner shall be continued as Head Mistress, if she is otherwise eligible, her proposal shall be forwarded to the respondent no.2 Education Officer for grant of approval as a regular Head Mistress. It is, however, contended that this shall not preclude the respondent Municipal Council from initiating action as per relevant rules for misconduct, if any, committed by the

petitioner.

In the backdrop of the above referred facts and particularly in view of statement made by the learned Counsel for the respondent no.1, grievance of the petitioner at this stage stands redressed. In the circumstances, the petition is disposed of.

JUDGE JUDGE

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